

REMARKS

Applicants would like to thank the Examiner for the detailed Official Action provided and for the acknowledgment of Applicants' Claim for Priority and Receipt of the certified copy of the priority documents in the Official Action.

Applicants additionally wish to thank the Examiner for considering the materials cited in the Information Disclosure Statement filed in the present application on February 09, 2006, by the return of the signed and initialed Form PTO-1449 attached to the above-noted Information Disclosure Statement.

Upon entry of the present paper, claims 1 and 3 will have been amended. Claims 2 and 4 will have been canceled without prejudice or disclaimer. Claims 1 and 3 are pending for consideration by the Examiner. Applicants respectfully request reconsideration and withdrawal of the outstanding objections and rejections of the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate.

Objection to the Drawings

In the outstanding Official Action, the Examiner objected to the drawings asserting that Figures 6 and 7 should be labeled "Prior Art." By the present response, Applicants have submitted a replacement sheet of drawings in which Figures 6 and 7 have been amended to include the "Prior Art" designation, thereby obviating the Examiner's objection. Accordingly, the objection is now believed to be moot and should be withdrawn.

Objection to the Specification

The Examiner has objected to the Specification indicating that drawing numerals “5” and “14a” have not been identified in the Specification. Without agreeing to the propriety of the Examiner’s objections and solely to expedite the examination process, Applicants have amended the Specification to more clearly indicate drawing numeral “5”.

With respect to drawing numeral “14a”, Applicants respectfully submit that drawing numeral “14a” is identified in the Specification, as originally filed, at page 10, first full paragraph, line 10 (“an aperture 14a”). Accordingly, the objections are now believed to be moot and should be withdrawn.

Indefiniteness Rejection Under 35 USC §112, 2nd Paragraph

In the outstanding Official Action, the Examiner has rejected claims 3 and 4 under 35 U.S.C. §112, 2nd paragraph. The Examiner asserts that these claims are indefinite for failing to particularly point out the distinctly claimed subject matter which Applicants regard as their invention.

In particular, the Examiner asserts that there is no antecedent basis for “the sheet-like gasket” in claim 3 and that it is unclear whether “a sheet-like gasket” introduced in claim 4 refers to the sheet-like gasket in claim 3. The Examiner further asserts that claim 4 recites a “sealing protrusion”, but that it is unclear as to what member the “sealing protrusion” is a part.

Applicants respectfully submit that the above claim limitations are not confusing and that those having ordinary skill in the art would readily understand the limitations as previously presented. However, without agreeing to the propriety of the Examiner’s rejection and solely to expedite the examination process, especially since those having

ordinary skill in the art would readily understand the limitations prior to the present amendment, Applicants have amended claim 3, and canceled claim 4 without prejudice or disclaimer. It is thus respectfully requested that the Examiner withdraw the rejection of the claims under 35 USC 112, 2nd paragraph.

Obviousness Rejections under 35 USC §103(a)

The Examiner has rejected claim 1 under 35 USC §103(a) as being unpatentable over MURAKAMI et al., (JP 7-201308) in view of SUZUKI et al., (JP 2001-283795). The Examiner has also rejected claim 3 as being unpatentable over MURAKAMI and SUZUKI, and further in view of YAMAZAKI (JP 2003-7270). The Examiner has further rejected claim 4 as being unpatentable over MURAKAMI, SUZUKI, YAMAZAKI, and further in view of MASUMOTO (JP 2000-357495).

Applicants respectfully traverse the obviousness rejections and request withdrawal of the rejections in view of the following remarks.

For an obviousness rejection under §103(a) to be proper, the Examiner must indicate that each limitation is shown or provide at least a clear articulated reason for rendering the claimed invention obvious.

In this regard, it is respectfully submitted that MURAKAMI, either alone or in any proper combination with SUZUKI, YAMAZAKI, and MASUMOTO, respectively, fails to teach or render obvious all of the claimed features of the present claimed invention.

In this regard, independent claims 1 and 3 generally recite, *inter alia*, a sealed battery in which an opening of a battery case is sealed with a sealing member via an insulating gasket and a sealing unit having at least a filter and an inner gasket. The sealing member is crimped inside the battery case via at least the sealing unit. The sealed

battery also includes a sheet-like gasket having a higher coefficient of rebound resilience than the insulating gasket and the inner gasket. The sheet-like gasket is placed upon the sealing member so that the battery case is tightly sealed with a combination of the insulating gasket, the sheet-like gasket, and the sealing unit, wherein the insulating gasket, the sheet-like gasket, and the sealing unit are crimped inwardly. The sheet-like gasket is provided between an upper face of the sealing member and a lower face of the insulating gasket. An annular sealing protrusion is provided at a compressed point on an upper face of a bottom wall of at least one of the insulating gasket and the inner gasket provided at a lower side of the sheet-like gasket.

MURAKAMI generally discloses a sealing plate for a sealed battery. More particularly, MURAKAMI discloses a placing an insulating film 9 between a gasket 4 and a terminal cover plate 3 (*see Abstract and Fig. 1*). Similarly, SUZUKI generally discloses a sealed battery. Here, as seen in the Abstract and in Figure 3, SUZUKI discloses an opening of a battery case 8 being sealed towards the inside of the battery with an insulating resin gasket 7.

YAMAZAKI generally discloses a gasket for a battery. In this regard, YAMAZAKI further discloses a gasket 13 having a projecting part 134 that is crimped inwardly by crimped edge part 121a of an outer circumferential wall 121 of a positive can 12. MASUMOTO generally discloses a battery. More specifically, MASUMOTO discloses an annular sealing projection 17 at a lower peripheral surface of a plate 9 that projects into an insulating gasket 11 during a crimping process to improve sealed pressure resistance (*see Abstract and Figure 1*).

In view of the above, it is respectfully submitted that MURAKAMI, either alone or in any proper combination with SUZUKI, YAMAZAKI, and MASUMOTO, respectively, fails to disclose or render obvious at least a sealed battery sealed with a combination of a sealing member, an insulating gasket, a sealing unit including at least a filter and an inner gasket, a sheet-like gasket having a higher coefficient of rebound resistance than the insulating and inner gaskets, and an annular sealing protrusion provided at a compressed point on an upper face of a bottom wall of at least one of the insulating gasket and the inner gasket provided at a lower side of the sheet-like gasket.

With respect to the rejections of independent claims 1 and 3, MURAKAMI, alone or in any proper combination with the abovementioned references, fails to disclose sealing a battery case with the combination of features recited in independent claims 1 and 3. More particularly, none of the references discloses sealing a battery case by crimping at least an insulating gasket, a sheet-like gasket, a filter, and an inner gasket toward an upper face of a sealing member. At best, MURAKAMI, SUZUKI, YAMAZAKI, and MASUMOTO each merely disclose a battery case sealed by inwardly crimping a single outer gasket towards a cap of the battery case. In other words, there is no disclosure in any of the references that teaches including any of the recited additional crimped features of the presently claimed invention; nor has the Examiner provided any indication or reason for modifying MURAKAMI to include the recited additional crimped features. Thus, for at least these reasons, MURAKAMI, alone or in any combination with SUZUKI, YAMAZAKI, and MASUMOTO, respectively, fails to disclose or render obvious the presently claimed invention.

With respect to the rejection of claim 4, and as the Examiner recognizes, MURAKAMI, SUZUKI, and YAMAKAZI do not disclose or render obvious an annular sealing protrusion provided at a compressed point on an upper face of a bottom wall of at least one of the insulating gasket and the inner gasket provided at a lower side of the sheet-like gasket in combination with the other recited features of the presently claimed invention. In this regard, the Examiner asserts that MASUMOTO discloses a protrusion on the sealing member 10, crimped with a gasket 11 by battery casing 1, and a protrusion 14 on the gasket. MASUMOTO further discloses an annular protrusion 17 integrally formed on a peripheral end of a plate 9 (*see* Figure 1) such that it makes contact with an upper face of the insulating gasket 11. In an alternative embodiment, an annular protrusion 18 (*see* Figure 2) is formed on an upper surface of insulating gasket 11 such that it makes contact with plate 9.

In contrast, the presently claimed invention generally recites an annular sealing protrusion being provided at a compressed point on an upper face of a bottom wall of at least one of the insulating gasket and the inner gasket provided at a lower side of the sheet-like gasket (*see e.g.*, Figure 4 and 5) such that at least the annular protrusion of the inner gasket contacts a lower face of an upper valve. The compressing force due to this configuration (*i.e.*, the annular sealing protrusion provided at the lower side of the sheet-like gasket in combination with the crimped portions of the insulating gasket and sealing unit) affects the sheet-like gasket portion placed on the annular sealing protrusion. Accordingly, the overall space for compressing the sheet-like gasket having a higher coefficient of rebound resilience (than either the inner or insulating gaskets) is made

larger, and the sealing properties of the battery are effectively improved (*see* Specification page 11, lines 5-10, and page 15, lines 9-19; *see also* page 16, lines 16-25).

Thus, MURAKAMI, alone or in any proper combination with SUZUKI, YAMAKAZI, and MASUMOTO, respectively, fails to teach or render obvious the combination of features of the presently claimed invention. Therefore, it is respectfully requested that the obviousness rejections be withdrawn and the allowability of independent claims 1 and 3 be indicated.

Thus, for each of the above-noted reasons and certainly for all of the above-noted reasons, it is respectfully submitted that the Examiner's rejections are inappropriate and improper. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the outstanding rejections together with an action indicating the allowability of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

SUMMARY

Applicants submit that the present application is in condition for allowance, and respectfully requests an indication to that effect. Applicants have argued the allowability of the claims and pointed out deficiencies of the applied reference. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
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